



September 27, 2010 ver.

## **Renewable Energy & Eastern Oregon Landscape Conservation Partnership (aka “Sagebrush Conservation Partnership”)**

### **Declaration of Cooperation**

#### **Preamble**

The State of Oregon has adopted laws for conservation, renewable energy innovation and climate mitigation, including a target of 25% renewable energy by 2025, and reducing greenhouse gases to 10% below 1990 levels by 2020 and 75% below 1990 levels by 2050. In 2009, the US Department of Interior established renewable energy development as a priority. The Bureau of Land Management is responsible for some of the most beautiful landscapes and important habitat in the West, including forests and rangelands, beaches, and mountains across more than 15 million acres in Oregon. The State of Oregon, through the Department of Energy is responsible for ensuring reliable and affordable energy for its citizens and, through its Department of Fish and Wildlife, is responsible for protecting and enhancing fish and wildlife species and habitat. In early 2010 the Governor’s Office and BLM began exploratory discussions about how best to address common interests in pursuing renewable energy opportunities that meet the affordability and reliability goals, foster social and economic responsibility in the use and management of lands and resources, and support conservation and restoration of habitat needed to sustain the health and diversity of ecosystems.

The Governor’s Office and BLM subsequently convened a meeting of core agencies. The primary purposes of these first meetings were to discuss a partnership and develop joint statement of principles, review the recent “Warranted but Precluded” sage grouse listing decision under the Endangered Species Act, and develop a clear plan to move forward in a timely manner to address issues related to renewable energy development and [sagebrush habitat natural resource conservation in eastern Oregon with special emphasis on sagebrush habitat](#). The results included setting a course to establish an on-going collaborative approach to address the needs and issues inherent to renewable energy and habitat conservation across Eastern Oregon.

The desired outcome of this Partnership is to bring together the core stakeholders needed to create an elevated, transparent dialogue and provide the leadership to proceed collaboratively. [with an agreed to To assist in this endeavor the partners have agreed to establish a](#) *Statement of Principles and Objectives*, and to express the partners’ initial agreements and on-going intentions in a Declaration of Cooperation.

**Comment [MK1]:** This, in my view, is the goal of the partnership.

#### **The Basis for a Collaborative “Action Strategy”**

This Governor-led state and federal agency collaborative effort will articulate regional policy opportunities and challenges associated with conservation and habitat protection, and renewable energy development, in Eastern Oregon. [This discussion among the partners](#) will begin to identify shared actions and the

resources needed to effectively and efficiently seize opportunities and address the challenges [facing us in achieving this goal](#).

Partners will seek collaborative approaches to mutually address issues, beginning with sagebrush and sage grouse issues, and how we might agree on criteria for identifying areas in Eastern Oregon that have potential for new energy development as well as those areas where there are significant challenges to development. This includes renewable energy and transmission capacity development on federal and state lands and on private lands in close proximity to these public lands.

Initially, the Governor, Oregon state agencies of Fish and Wildlife, State Lands and Energy, the BLM, NRCS, and the US Fish and Wildlife Service expressed interest in expanding their individual relationships to include greater collaboration on a range of environmental issues related to conservation and habitat protection in Eastern Oregon, including but not limited to sage grouse conservation and habitat protection, and renewable energy development.

In the near term the Partnership recognizes that other agencies, local government, tribes, agricultural producers, developers and others in the private sector, and interest groups share similar goals. The Partnership desires to engage stakeholders in a broader dialogue regarding landscape scale conservation and renewable energy.

### The Partnership Principles and Objectives

This Partnership brings together many of the key [government](#) stakeholders needed to create the opportunity for meaningful review, assessment, discussion, planning and coordination of renewable energy projects at a landscape scale across Eastern Oregon. The Partnership stakeholders agree to meaningfully partner together for this purpose. The initial focus of the partnership will be renewable energy opportunities in the sagebrush habitat of Eastern Oregon.

The Partnership Statement of Principles and Objectives includes collaboratively working together to:

- Create and maintain a *neutral forum and transparent dialogue* needed to effectively collaborate on strategies for continued protection and restoration of sagebrush and other important Eastern Oregon landscapes, and development of renewable energy opportunities.
- Build on the existing memorandum of agreement between BLM and the Oregon Department of Energy (February 2009) to *share environmental analysis* of energy facility siting proposals for federal NEPA processes and state energy facility siting processes.
- Collaborate, where appropriate, on *review of applications* for local, state and federal permits, leases and other siting authorizations, and on issuance of authorizations and associated conditions within the bounds of each agency's statutory authority.
- Identify opportunities for collaboration in support of consistent implementation of *conservation and mitigation strategies* for important habitats across Eastern Oregon, including sagebrush habitat.

- Build on existing maps and share information as it becomes available to create maps identifying areas for potential development and areas with resource challenges to be used as guidance documents for state and federal agencies, local governments and developers (“opportunity maps”), and to *use maps as a tool* to foster transparent dialogue.
  - Specifically regarding sagebrush habitat:
    - Create and maintain a neutral forum and transparent dialogue needed to effectively collaborate on strategies for continued protection of sage grouse and sage grouse habitat with or without ESA listing.
    - The BLM has created a map which overlays sage grouse and pygmy rabbit habitat, mule deer winter range and areas that have been administratively withdrawn from development. The intent is for the overlay of these layers to inform potential developers of the kinds of opportunities, and challenges, development proposals may face in certain areas. The Partnership intends to use “opportunity maps” as a building block for our discussions.
    - Additional map layers for other important resources will likely be added to the map as participating partners make those available.
- Produce additional tools and opportunities for assessing, discussing, planning and reviewing renewable energy facilities planning for projects of all sizes with the intent to *integrate information and activities at a landscape scale* and in a transparent manner.
- Mutually consider concerns related to *visual impacts* of renewable energy and energy transmission projects.
- Pursue co-sponsoring *a workshop* on renewable energy opportunities in Eastern Oregon in early November 2010 as one key step to engage broader dialogue.
- Implement protocols for dealing with *new, unforeseen issues of common concern* as they arise.

***Support Statements:*****Renewable Energy & Eastern Oregon Landscape Conservation Partnership****Preface**

This Declaration of Cooperation brings together the key stakeholders needed to create the opportunity for meaningful and coordinated review of renewable energy projects and opportunities in consideration of conservation and restoration needs in Eastern Oregon. The individual support statements describe commitments to this effort. This includes efforts to facilitate the effective and timely leverage of funding, technical resources and needed administrative actions for coordinated reviews.

The Declaration of Cooperation is a “living document”. While not a binding legal contract, the Declaration is evidence to and a statement of the good faith and commitment of the undersigned parties. These commitments represent a public statement of intent to participate in the project, to strive to identify opportunities and solutions whenever possible, to contribute assistance and support within resource limits, and to collaborate with other Partnership members.

The following stakeholders support the *Partnership Principles and Objections* and agree to actively participate with the Partnership.

**DRAFT****Governor Kulongoski's Natural Resources Office**

Governor Kulongoski's Natural Resources Office is convening the Renewable Energy and Eastern Oregon Landscape Conservation Partnership with BLM to collaborate on how to best identify and address the opportunities and challenges around development of renewable energy while also working to conserve and protect sagebrush and other important habitat in Eastern Oregon. GNRO supports the Partnership Statement of Principles and Objectives as the initial basis for collaboratively working on renewable energy and transmission development on federal lands, state lands and on private lands in close proximity to public lands in Eastern Oregon.

In this regard, GNRO will continue to support the work of the state and federal agencies that own land where siting may occur and those agencies (in addition to EFSC) that must comment on or issue permits for projects to create a landscape scale framework that will inform developers and others where they can expect to encounter natural resource conflicts or where those conflicts may be minimal, especially relative to sage grouse. GNRO will continue to communicate this work within the Governor's Office and to other state agencies involved with overall energy policy.

GNRO will continue to work to make connections between stakeholder groups, policies and implementation strategies as they evolve, to further the goals of the Partnership to plan on a

landscape scale. To this end, GNRO will, subject to available resources, continue to co-convene this project, provide needed assistance in administering related policies as appropriate, and support efforts to build upon the Partnership's shared Principles and Objectives in order to guide the development of renewable energy in Oregon.

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Mike Carrier, Governor's Natural Resource Policy Director

DRAFT

**Declaration of Cooperation  
BLM Statement of Support**

The Oregon/Washington Bureau of Land Management (BLM) supports the Renewable Energy Partnership and its efforts to enhance coordination and collaboration between stakeholders working on potential renewable energy development and conservation issues with the State of Oregon.

Nationally, the BLM manages sage-grouse habitat through eight state offices in the Western United States, and our conservation goal is to preclude the need for listing under the Endangered Species Act. The Secretary of the Interior has established environmentally responsible development of renewable energy as a priority for the Department of the Interior and directed Interior bureaus to work collaboratively with States and other entities to achieve this goal (Secretarial Order No. 3285).

Oregon BLM district offices east of the Cascades have experienced a several-fold increase in the last five years in the number of applications for rights-of-way (ROW)s for possible wind development and other forms of renewable energy. Through Information Memorandum OR-2009-038, the BLM Oregon/Washington State Office has issued formal guidance to field units to maintain consistency with the State's recommendations for constructing wind energy grids in sage-grouse habitat. The purpose of the guidance is *"to maintain consistency with current science and recommendations provided by the Oregon Department of Fish and Wildlife."* The BLM was also a partner in the 2005 Oregon Sage-grouse Conservation Strategy developed in collaboration with the Oregon Department of Fish and Wildlife (ODFW) and other partners. This strategy is currently under update, including the recent identification of core sage-grouse habitat by the ODFW. The BLM Oregon State Office is also participating in the development of a Memorandum of Understanding with the U.S. Fish and Wildlife Service and ODFW to promote sage-grouse conservation.

**Statement of Commitment**

The BLM supports the general goals and principles of the Renewable Energy Partnership. In accordance with Federal law, the BLM does not take a position or endorse any potential Renewable Energy Partnership recommendations that pertain to any form of lobbying or advocacy. In order to advance and support the Renewable Energy Partnership goals and principles that do not pertain to lobbying or advocacy, the Oregon/Washington BLM, within the constraints of available funding, will:

- support collaborative efforts with Renewable Energy Partnership participants, and support projects that achieve mutual goals and objectives.
- encourage Oregon/Washington BLM districts to continue their partnership efforts to support local community-based collaborative efforts that complement the Renewable Energy Partnership.
- continue to support the facilitation role of the Renewable Energy Partnership.

- provide staff and other resources to facilitate the renewable energy workshop proposed for fall 2010.
- provide access to Oregon/Washington BLM staff, programs, and initiatives to all stakeholders to achieve strategic objectives.
- incorporate consensus-based decisions reached by the Renewable Energy Partnership into statewide policy where appropriate.

  
\_\_\_\_\_  
Edward W. Shepard  
State Director  
Oregon/Washington BLM

9/8/10  
\_\_\_\_\_  
Date

**Oregon Department of Fish and Wildlife (ODFW)**

The Oregon Department of Fish and Wildlife's (ODFW) mission is "to protect and enhance Oregon's fish and wildlife and their habitats for the use and enjoyment by present and future generations". ODFW recognizes the potential of the Renewable Energy Opportunities and Eastern Oregon Landscape Conservation Partnership (Partnership) to advance goals contained in the Oregon Conservation Strategy.

Therefore ODFW will, subject to available resources, support the Partnership in the following ways:

- Support collaboration by maintaining ongoing communication and providing technical assistance for the Partnership to identify areas with the greatest opportunities for renewable energy development consistent with conservation of Oregon's fish and wildlife resources.
- Provide staff time to support and attend Partnership meetings
- Pursue stronger state-wide partnerships and additional funding for species conservation on a landscape scale. In this regard, continue to work closely with USFWS, BLM and NRCS to maximize conservation efforts and funding.
- Given the Legislature's target for 25% renewable energy by 2025, work with partners to establish technical assistance strategies that facilitate permitting of renewable energy projects consistent with conservation of Oregon's fish and wildlife resources.
- Provide staff and technical resources to contribute to the development of a renewable energy workshop and other collaborative learning opportunities.
- Contribute to the development of GIS maps by providing ODFW-developed layers (initially focusing on the sage grouse core areas), meta-data and updating the information as more and better data become available.
- Help identify sources of funding or other support for projects that contribute to the development of Partnership goals



Roy Elicker, Director

### **US Fish and Wildlife Service, DOI**

The U.S. Fish and Wildlife Service's (Service) mission is to work with others to conserve, protect and enhance fish, wildlife and plants and their habitats for the continuing benefit of the American people. In addition to our regulatory responsibilities, the Service supports a wide range of important conservation initiatives, including assisting landowners who volunteer to manage their property for the benefit of fish and wildlife. To accomplish our mission we work cooperatively with individuals, conservation partners, other Federal agencies, Tribal governments, and all levels of State and local government.

Given that the purpose of the "Renewable Energy Opportunities & Eastern Oregon Landscape Conservation Partnership" is consistent with the Service mission, we commit to continuing as an active partner in the partnership to the greatest extent practicable, subject to available staff, resources and priorities.

In support of this effort the Service will:

1. Participate in the collaborative partnership to develop effective, comprehensive (landscape scale) conservation and mitigation strategies, and tools, for important fish and wildlife species and their habitats across Eastern Oregon.
2. Provide timely information and other technical and policy assistance in support of this effort and the careful siting and permitting of renewable energy and transmission projects consistent with the conservation of Federal trust resources.
3. Support the design and implementation of a workshop on renewable energy development opportunities in Eastern Oregon.

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Paul Henson, State Office Director

#### **Natural Resource Conservation Service, USDA**

The Natural Resources Conservation Service (NRCS) mission is helping people help the land. Since its inception in 1935, the NRCS conservation delivery system has advanced a unique partnership with state and local governments and private landowners delivering conservation based on specific, local conservation needs, while accommodating state and national interests. NRCS delivers products and services through financial and technical assistance to help landowners and producers plan and implement conservation practices to restore habitat on uplands, wetlands, and waterways.

NRCS supports the conservation of greater sage grouse and sagebrush ecosystems. In the spring of 2010, NRCS and the Fish and Wildlife Service (FWS) joined a partnership to promote and preserve greater sage-grouse habitat and sagebrush ecosystems. The agreement is designed to prevent further fragmentation of greater sage grouse habitat and to preserve sagebrush ecosystems. In addition, the agreement seeks to provide certainty under the Endangered Species Act to cooperators who voluntarily implement NRCS conservation practices that favor sage grouse should the sage grouse later be listed as a threatened or endangered species.

In carrying out its mission, NRCS will strive to support the purpose of the "Renewable Energy Opportunities & Eastern Oregon Landscape Conservation Partnership". NRCS commits to continuing:

- to actively participate in the Partnership to the greatest extent practicable, subject to available staff, resources and priorities,
- to collaborate where possible in the Partnership to share natural resource information as consistent with agency policy and requirements,
- to consider the recommendations of the Partnership as NRCS administers its conservation programs in Oregon, and
- to incorporate consideration of renewable energy opportunities and siting information into conservation investments on private land tribal lands and in landscape scale conservation initiatives.

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Ron Alvarado, State Conservationist

**Oregon Department of State Lands**

The Oregon Department of State Lands (DSL) mission is to ensure a legacy for Oregonians and their public schools through sound stewardship of lands and the Common School Fund. The Department of State Lands strives for a sustainable balance between revenue generation and resource stewardship. DSL recognizes the potential of the Partnership to advance goals contained in the State Land Board and Department's 2006-2016 Asset Management Plan. DSL manages approximately 630,000 acres of rangeland that is both sagebrush habitat and possible development sites for alternative energy generation facilities.

DSL will, subject to available resources, support the Partnership in the following ways:

- Provide staff and technical resources to support and attend Partnership meetings and to contribute to the development of collaborative learning opportunities.
- Contribute to the development of shared GIS maps by providing and updating DSL information.
- Help identify sources of funding or other support for projects that contribute to Partnership goals.
- Identify areas on State owned lands and work with partners to establish renewable energy projects where consistent with DSL's Asset Management Plan, and the Oregon Conservation Strategy.
- Pursue species conservation on landscape scales. Work with USFWS, BLM and NRCS to maximize conservation efforts and funding of projects including State ownership.
- Continue to fund juniper eradication on State owned lands, prioritizing those areas of maximum mutual benefit to rangeland use and sage grouse conservation.
- Pursue a Candidate Conservation Agreement with Assurances with USFWS either for State owned lands exclusively or in cooperation with others in a Programmatic Agreement.



Louise Solliday, Director

**Oregon Department of Energy**

**\* placeholder**

## US Forest Service, USDA

### Draft

#### Forest Service, Department of Agriculture Support Statement

The mission of the USDA Forest Service is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. The phrase, "CARING FOR THE LAND AND SERVING PEOPLE," captures the Forest Service mission. As set forth in law, the mission is to achieve quality land management under the sustainable multiple-use management concept to meet the diverse needs of people: It includes:

- Advocating a conservation ethic in promoting the health, productivity, diversity, and beauty of forests and associated lands.
- Listening to people and responding to their diverse needs in making decisions.
- Protecting and managing the National Forests and Grasslands so they best demonstrate the sustainable multiple-use management concept.  
Providing technical and financial assistance to State and private forest landowners, encouraging them to practice good stewardship and quality land management in meeting their specific objectives.
- Providing technical and financial assistance to cities and communities to improve their natural environment by planting trees and caring for their forests.
- Providing international technical assistance and scientific exchanges to sustain and enhance global resources and to encourage quality land management.
- Helping States and communities to wisely use the forests to promote rural economic development and a quality rural environment.
- Developing and providing scientific and technical knowledge aimed at improving our capability to protect, manage, and use forests and rangelands.
- Providing work, training, and education to the unemployed, underemployed, elderly, youth, and disadvantaged in pursuit of our mission.

The purpose of the "Renewable Energy Opportunities & Eastern Oregon Landscape Conservation Partnership" is consistent with our mission and we are committed to be an active partner in the partnership to the greatest extent practicable, subject to available staff, resources and priorities.

The Forest Service will:

1. Participate in the collaborative partnership to help develop effective, comprehensive (landscape scale) conservation and mitigation strategies.
2. Provide timely information and other technical and policy assistance in support of this effort including siting and permitting of renewable energy and transmission projects consistent with the conservation of Federal trust resources.

3. Support the development of a workshop on renewable energy development opportunities in Eastern Oregon.

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MARY WAGNER

Regional Forester

**Association of Oregon Counties**  
**\* placeholder**

**Others for consideration...**

- Oregon Public Utilities Commission (PUC)
- USDA Farm Service Agency
- USDA Rural Development
- US EPA
- NOAA
- Western Governor's Association – Western Renewable Energy Zones project,
- Wildlife Council
- Utilities incl. BPA
- ERT
- OWEB
- Developers
- Renewable Energy NW

Broader stakeholder outreach including:

- Ag producers
- Interest groups incl. Defenders of Wildlife, ONDA, TNC
- State legislators
- Congressional delegation

**Attachment A.**

**2010 Action Strategy:**

**Timeline for Key  
Partnership Actions**

- July 30 - Partnership Meeting. Review and sign Declaration of Cooperation. Review BLM opportunity map and consider expanding to a “partnership” map.
- August 3 - 26 - Oregon Fish and Wildlife public meetings regarding the updated Sage Grouse Conservation Strategy.
- August - BLM announcement regarding the “Opportunities Map”.
- August 31 - Next Partnership meeting.
- Early Fall - Partnership Workshop/Outreach.
- October 1 - Oregon Fish and Wildlife Commission Meeting (Bend). Briefing on the updated draft plan will be presented to the Commission. Public comment.
- December 3 - Oregon Fish and Wildlife Commission Meeting (Portland). Presentation of the revised plan and proposed adoption. Written comments will be accepted through the Dec. 3rd Commission meeting.

## Attachment B



**Theodore R. Kulongoski**

**Governor**

March 31, 2010

RE: Renewable Energy & Sagebrush Conservation Partnership

Dear Partners:

I'm pleased to invite you all to attend the first meeting of the Renewable Energy & Sagebrush Conservation Partnership. This Governor-led state and federal agency collaborative effort will articulate regional policy opportunities and challenges associated with sage grouse conservation and habitat protection, and renewable energy development.

Partners will seek collaborative approaches to mutually address sagebrush and sage grouse issues and how we might agree on criteria for identifying areas in Eastern Oregon that have potential for new energy development as well as those areas where there would be significant challenges to development. This includes renewable energy and transmission development on federal lands, state lands and on private lands in close proximity to public lands.

We hope to build on an existing memorandum of agreement with Oregon Department of Energy to share environmental analysis of energy facility citing proposals for federal NEPA processes and state energy facility citing processes. The Governor, state agencies, the BLM, NRCS, and the Fish and Wildlife Service have expressed interest in expanding their individual relationships to include even greater collaboration on a range of environmental issues related to sage grouse conservation and habitat protection, and renewable energy development.

The primary purposes of this first meeting are to discuss the partnership and develop joint statement of principles, discuss the recent "Warranted but Precluded" sage grouse listing decision, and develop a clear plan to move forward in a timely manner. We hope to begin with a draft statement of principles that we

want this expanded collaboration to achieve. Once we have reached agreement and the joint statement is issued, we would use the principles to build a memorandum of agreement confirming the ongoing collaboration.

The following draft statements of principles are the areas of coordination we have discussed with BLM thus far:

Creation and sharing of maps identifying areas for potential development and areas with resource challenges to be used as guidance documents for state and federal agencies, local governments and developers: The BLM has created a map which overlays key sage grouse and pygmy rabbit habitat, mule deer winter range, DOD flight paths and areas that have been administratively withdrawn from development. The aggregate of these layers can inform potential developers of the kinds of challenges they may face in certain areas. We hope to use this map as a building block for our discussions.

Collaboration, where appropriate, on review of applications for local, state and federal permits, leases and other siting authorizations, and collaboration in issuance of authorizations and associated conditions.

Collaboration on strategies for continued protection of sage grouse and sage grouse habitat with or without ESA listing.

Protocols for dealing with new, unforeseen issues of common concern as they arise.

I have asked the BLM to work with the National Policy Consensus Center (NPCC) to help facilitate this meeting and the partnership in general. NPCC has extensive experience in collaborative problem solving, engaging all levels of government and their role will help make your participation more efficient and effective.

Either my office or NPCC staff will contact you soon to schedule this first meeting.

Sincerely,

Michael Carrier  
Natural Resources Policy Director  
Office of Governor Theodore R. Kulongoski

## Attachment C. Related Background Materials

Other documents identified as important to the Partnership discussion include:

- Memorandum of Understanding among Western Association of Fish and Wildlife Agencies, USFS, BLM, USFWS, USGS, NRCS and USDA Farm Service Agency (2008);
- Order No. 3285 which establishes the development of renewable energy as a priority for the Department of Interior. It was signed by Secretary of the Interior Ken Salazar on March 11, 2009;
- Oregon BLM Energy Resources Team Draft report (2009);
- Energy and Transmission Projects on BLM in Oregon & Washington (2010). (right of way applications);
- BLM Southern Idaho Infrastructure Development Conflict Map  
[http://www.blm.gov/id/st/en/prog/energy/conflict\\_map.html](http://www.blm.gov/id/st/en/prog/energy/conflict_map.html)
- Western Governors Association – Western Renewable Energy Zone Project  
<http://www.westgov.org/>